IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

-

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO.19407 OF 2003

DATED 25.1.2006

-

BETWEEN

M/s. Karuna Wines, I.L.24

.. Petitioner

AND

The Government of A.P. rep by its

Principal Secretary, Revenue Department,

Secretariat Buildings, Hyderabad.

.. Respondent

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.19407 OF 2003

ORDER:

The petitioner was granted a licence in Form IL 24 under the Indian Liquor and Foreign Liquor Rules framed under the A.P.Excise Act for the excise year 2002-03. In this writ petition, he has sought for a writ of Mandamus to direct the respondents to refund the proportionate licence fee for a period of 30 days on the ground that he was not permitted to do the business.

Learned counsel for the petitioner states that the petitioner did not do business during the periods mentioned above in view of the orders passed by this Court in a writ petition filed by some third parties. The following are the periods during which

the petitioner could not conduct the business.

- - - -

From the above, it is clear that so far as block periods 1 and 2 are concerned, the petitioner is not entitled for any further refund. For the first period, the petitioner himself has paid the licence fee on 6.4.2002 and obtained the licence on the same day though he is supposed to submit renewal application as per Rule 26-A of Andhra Pradesh Indian Liquor & Foreign Liquor Rules, 1970 along with payment challan of the 1st instalment of licence fee before expiry of lease year 2001-02. Therefore, the petitioner alone is responsible for not conducting business during that period. So far as the second block period is concerned, the Government itself has considered the matter and issued G.O.Rt.No.985 dated 29.5.2002 adjusting the proportionate licence fee for that period in the licence fee for the 2nd instalment.

Coming to the 3rd and 4th block periods, learned counsel for the petitioner as well as the learned counsel for the respondents submitted that the petitioner has made a representation in that regard to the 3rd respondent, who in turn submitted the same to the 2nd respondent and till now no instructions were issued. It is also stated by the learned counsel for the respondents that the petitioner alone is responsible for not conducting the business during those periods also since he has not obtained extention of the interim orders and therefore nothing can be attributed to the respondents. However, since it is stated that the petitioner has already made a representation to the authorities in that regard and that the same is pending consideration, I direct respondents 2 and 3 to dispose of the said representation for refund of the proportionate licence fee for the period from 18.6.2002 to 21.6.2002 and 1.8.2002 and 15.8.2002 by considering the proposals, as referred to in the counter affidavit, submitted by the 3rd respondent in Cr.No.993/02/B1 dated 19.8.2003, if not already disposed of within a period of six weeks from the date of receipt of this order and communicate the decision to the petitioner.

Subject to the above directions, the writ petition is disposed of. No order as to cost.

R.SUBHASH REDDY,J

msv